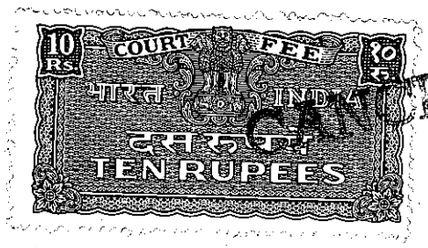

CANCELLED

(3) (1)

CFIOF

IN THE HIGH COURT OF JUDICATURE AT BILASPSUR (CHHATTISGARH)

WRIT PETITION NO. 1290 **/2003**

of 10/-
ans

Soti Lal Sahu,aged about 40 years : **PETITIONER**
S/o.Shri Latel Ram, Sarpanch,
Gram-Panchayat Tifra,R/o.Village-Tifra
Block-Bilha,Tahsil & District-Bilaspur(C.G)

VERSUS

1) The State of Chhattisgarh : **RESPONDENTS**
Through the Principal Secretary,
Department of Panchayat
D.K. S. Bhavan,Raipur (C.G)

2) The Sub-Divisional Officer,
Bilaspur, Dist-Bilapsur (C.G)

P. R. No. 1026/03
Presented by Shri Anvind Dubey
dated 12/04/03

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF QUO WARRANTO/CERTIORARI TO RESTRAIN THE LOWER COURT FOR VIOLATING THE PRINCIPLES OF PROCEEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 1290/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4-7-2003

Shri A.K. Tiwari, Adv. for the petitioner.

Shri D.R. Agrawal, Dy. Adv. General for the State.

Heard.

Counsel for the petitioner submitted that the proceedings under Section 40 of the Panchayat Raj Adhiniyam, 1993 were instituted against him and the said case was listed on 18-8-2002 and it was adjourned for 9-9-2002. Thereafter the case was preponed and it was called on 21-8-2002 without notice and in the absence of the petitioner, the application was rejected. A revision was preferred before the Additional Collector. The Additional Collector has dealt with the matter and vide his order 24-8-2002 has remanded back it. The Court has noted the facts and circumstances and directed the Sub-divisional Officer concerned to give opportunity to the petitioner in the ends of justice. The petitioner moved a revision before the Commissioner. In the meanwhile, the post of Commissioner was abolished and the petitioner has filed the present petition.

Counsel for the petitioner submitted that his main grievance is that in his absence not only the case was preponed but also the application filed by him vide Annexure P-1 has been decided.

[पीछे देखिये

[पीछे देखिये

(32)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP No. 1290/03

मामला क्रमांक ..... **सन्** **200**

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned Dy. Advocate General on the other hand submitted that the application Annexure P-1 is not under any provision of law. The application has been filed as Annexure P-1. In fact, it does not show that under which provision it has been filed.

Be that as it may, since the application has been decided by preponing it in absence of petitioner and without hearing him, it is directed that the said application will be decided afresh by the Sub-divisional Officer after hearing the petitioner or the counsel as the case may be, in accordance with law.

With this observation, the petition is disposed of.

C.c. as per rules.

Sd/-
Fakhruddin
Judge

Parthe 30/-

[पीछे देखिये